

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE**

United States of America

v.

Criminal No. 03-cr-192-01-PB

Sheldon Grant

**O R D E R**

On August 12, 2009, defendant appeared for a "probable cause" hearing under Fed. R. Crim. P. 32.1 on two alleged violations of conditions of supervision. Because the subject of the alleged criminal threatening did not appear, the state court dismissed the charge and the government is unable to establish probable cause here. Defendant waived the preliminary hearing on the second charge. I therefore find probable cause to hold him for a revocation hearing as to the second charge.

Defendant sought bail conditions under Rule 32.1(a)(6). Under Rule 32.1(a)(6) defendant bears the burden of establishing by clear and convincing evidence that he will not flee and that he poses no danger to any other person or to the community. Here defendant has been thrown out of the halfway house barely a month after entry for possessing gang-related materials. He has had two prior revocations for domestic violence committed within a month of release, and he was charged with a similar threat again within a month of the last release. He is a danger to the

community. There are no conditions which are likely to assure his presence and the safety of the community.

Accordingly, it is **ORDERED** that the defendant be detained pending trial.

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

**SO ORDERED.**

  
James R. Muirhead  
United States Magistrate Judge

Date: August 13, 2009

cc: Bjorn R. Lange, Esq.  
Arnold H. Huftalen, Esq.  
U.S. Marshal  
U.S. Probation